

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JERMEL BRAY,  
Petitioner,

v.

CALIFORNIA SUPREME COURT, et al.,  
Respondents.

Case No. [15-cv-05530-DMR](#) (PR)

**ORDER OF TRANSFER**

Petitioner Jermel Bray is a state prisoner who is incarcerated at California State Prison-Solano ("CSP-Solano"). On December 3, 2015, he filed a *pro se* action entitled, "Petition for Peremptory Writ of Mandate." Dkt. 1. He has also filed a motion for *in forma pauperis* status. Dkt. 4. Also on December 3, 2015, the Clerk of the Court notified Petitioner in writing that this matter has been assigned to the undersigned Magistrate Judge.<sup>1</sup>

The petition is difficult to decipher, but Petitioner seems to be challenging rulings made by the state courts, stating: "Petitioner realleges that whatever the state courts could have lawfully done to resolve the issues presented in the state court proceedings, it failed to do so." Dkt. 1 at 5.<sup>2</sup> He names as Respondents the California Supreme Court, the First District Court of Appeal, and the Solano County Superior Court. He seeks injunctive relief. Attached to the petition is the Solano County Superior Court's May 15, 2015 denial of Petitioner's state habeas petition, which indicates that Petitioner was convicted in 1994 of second degree murder in Solano County. *Id.* at 12.

The court's review of Petitioner's case reveals that he has initiated his civil action in the wrong judicial district. Petitioner is incarcerated in CSP-Solano, which is located within the venue of the United States District Court for the Eastern District of California. His underlying conviction occurred in Solano County which also lies in the Eastern District.

<sup>1</sup> To date, Petitioner has not yet filed either his consent or declination to magistrate judge jurisdiction in this matter.

<sup>2</sup> Page number citations refer to those assigned by the Court's electronic case management filing system and not those assigned by Petitioner.

Venue is proper in a habeas action in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); this district is neither.<sup>3</sup> Accordingly, in the interest of justice, this action is TRANSFERRED to the United States District Court for the Eastern District of California.<sup>4</sup> See 28 U.S.C. § 1404(a); Habeas L.R. 2254-3(b). The Clerk shall transfer the case forthwith.

All remaining motions are TERMINATED on this court's docket as no longer pending in this district.

IT IS SO ORDERED.

Dated: December 21, 2015



DONNA M. RYU  
United States Magistrate Judge

United States District Court  
Northern District of California

<sup>3</sup> This case should be transferred to the Eastern District even if it were to be construed as a civil rights action.

<sup>4</sup> Venue transfer is a non-dispositive matter and, thus, it falls within the scope of the jurisdiction of the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(A).

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JERMEL BRAY,  
Plaintiff,

v.

CALIFORNIA SUPREME COURT, et al.,  
Defendants.

Case No. [4:15-cv-05530-DMR](#)

**CERTIFICATE OF SERVICE**

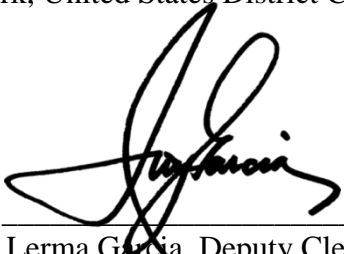
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on December 21, 2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Jermel Bray  
J-54987  
CSP- Solano  
PO Box 4000  
Vacaville, CA 95496

Dated: December 21, 2015

Susan Y. Soong  
Clerk, United States District Court

By:   
Ivy Lerma Garcia, Deputy Clerk to the  
Honorable DONNA M. RYU